



GRANTED

The moving party is hereby **ORDERED** to provide a copy of this Order to any pro se parties who have entered an appearance in this action within 10 days from the date of this order.

Christopher C. Cross

Christopher C. Cross
District Court Judge

DATE OF ORDER INDICATED ON ATTACHMENT

DISTRICT COURT, ARAPAHOE COUNTY,
COLORADO

7325 South Potomac Street
Centennial, Colorado 80112

STATE OF COLORADO, ex rel. JOHN W. SUTHERS,
ATTORNEY GENERAL,

Plaintiff,

v.

CORPORATE ACQUISITION GROUP, LLC, GLOBAL
ACQUISITIONS GROUP, LLC, TYRONE TYMKOVICH,
an individual, SAM LEVINE, an individual; Defendants.

JOHN W. SUTHERS, Attorney General
JAY B. SIMONSON
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Case No.: 09CV2796

Div: 202

PROPOSED STIPULATED CASE MANAGEMENT ORDER

I. TRIAL SETTING:

The trial is set to begin at 9:00 a.m. on December 6, 2010 and is expected to last five days through December 10, 2010. A Mandatory Trial Conference is scheduled for November 10, 2010 at 8:30 a.m. where all parties are expected to appear in person. The parties acknowledge a duty to promptly notify the court in writing if the anticipated length of the trial changes.

II. MODIFICATIONS TO THE LIMITATIONS OF C.R.C.P. 26 (b)(2):

The parties agree that the timelines set forth in C.R.C.P. 16 (b) shall be adhered to in this case with the exception an expansion of the limitations of C.R.C.P. 26(b)(2). Due to the nature of the case and the significant number of potential witnesses, the parties agree that it is necessary to increase the number of depositions to ten (10) for each party, the requests for production of documents and requests for admissions to thirty (30) each.

III. DISCLOSURES

A. Parties' Disclosures pursuant to C.R.C.P. 26(a)(1):

1. On February 4, 2010, Plaintiff served all Defendants with the mandatory disclosures required by C.R.C.P. 26(a)(1) disclosing all known individuals likely to have discoverable information relevant to disputed facts alleged in Plaintiff's Complaint, along with a listing of all relevant documents, data compilations and tangible things in the possession, custody or control of Plaintiff and produced a CD copy of all documents or other evidentiary material not privileged or protected from disclosure.
2. Defendants will serve their mandatory initial disclosures on or before February 26, 2010.

B. Parties' Expert Disclosures pursuant to C.R.C.P. 26(a)(2):

1. Plaintiff's Expert Disclosure: Plaintiff does not currently see the need for any expert testimony.
2. Defendants' Expert Disclosure: Defendants do not currently see the need for any expert testimony.
3. Sequence and Timing of Expert Disclosures: Plaintiff shall disclose any expert witnesses by August 9, 2010, (120 days before trial), and Defendants shall disclose their expert witnesses by September 7, 2010, (90 days before trial). The parties shall disclose any rebuttal experts by September 27, 2010, (70 days before trial and 20 days after Defendants' disclosure).

C. Parties Continuing Duty Pursuant to C.R.C.P. 26(e):

Pursuant to C.R.C.P. 26(e), the parties acknowledge a continuing duty to timely supplement or correct the information provided pursuant to C.R.C.P. 26(a)(1) and C.R.C.P. 26(a)(2).

IV. IDENTIFICATION OF PERSONS, DOCUMENTS AND TANGIBLE THINGS:

No later than October 27, 2010, (40 days before trial), each party shall identify persons who might be called as witnesses and those documents and tangible things that might be used as exhibits at trial which have not otherwise been disclosed pursuant to C.R.C.P. 26(a)(1). Such identification shall be in accordance with C.R.C.P. 26(a)(4).

V. DISCOVERY SCHEDULE

A. General Discovery Deadline:

The parties have agreed to complete all factual discovery by October 18, 2010, (50 days before trial).

B. Plaintiff's Discovery Schedule:

Plaintiff may propound written discovery upon all Defendants no later than September 17, 2010, (80 days before trial). The total number of Interrogatories shall not exceed thirty (30). The total number of Requests for Production shall not exceed thirty (30). The total number of Requests for Admission shall not exceed thirty (30).

C. Defendants' Discovery Schedule:

Defendants may propound written discovery upon Plaintiff no later than September 17, 2010, (80 days before trial). The total number of Interrogatories shall not exceed thirty (30). The total number of Requests for Production shall not exceed thirty (30). The total number of Requests for Admission shall not exceed thirty (30).

D. Plaintiff's Deposition Schedule:

Plaintiff may take the deposition of:

1. Any party in this case;
2. Any employees of business entities affiliated or doing business with Defendants who have knowledge of the company's business activities;
3. Any witness disclosed by either party or whose name is discovered during discovery; and,
4. Any expert named by the Defendants.

A maximum of ten (10) depositions can be taken by the Plaintiff. All depositions must be completed by November 11, 2010, (25 days before trial). The Court may expand the number of depositions for good cause shown.

E. Defendants' Deposition Schedule:

Defendants may take the depositions of:

1. Any of Plaintiff's witnesses;
2. Any witness disclosed by either party or whose name is discovered during discovery; and,
3. Any experts named by Plaintiff.

A maximum of ten (10) depositions can be taken by the Defendants. All depositions must be completed by November 11, 2010, (25 days before trial). The Court may expand the number of depositions for good cause shown.

F. Exhibit and Witness Lists:

Not later than October 27, 2010, forty (40) days before the trial date, counsel shall exchange a draft of the lists of witnesses and exhibits required in Rule 16(f)(3)(VI)(A) and (B) together with a copy of each documentary exhibit to be listed pursuant to Rule 16(f)(3)(VI)(B).

G. Certification:

Counsel for the parties certify that they have advised their clients of the estimated costs and fees involved in conducting the above discovery.

VI. PRETRIAL MOTIONS:

Summary Judgment Motions will be filed by September 13, 2010, (85 days before trial). Substantive motions unrelated to discovery shall be filed no later than November 1, 2010, (35 days before trial).

VII. SETTLEMENT:

The parties affirm that they have discussed settlement.

VIII. MEDIATION:

The parties agree to participate in mediation when discovery has been completed and all Expert Witness reports, including those of rebuttal expert witnesses, have been submitted but prior to the mandatory Court Trial Management Conference required by C.R.C.P. 16 (f)(1).

IX. OTHER MATTERS:

Should the trial be rescheduled or the case postponed for any reason, all discovery and deadline dates shall be recalculated accordingly.

SO STIPULATED BY PLAINTIFF AND DEFENDANTS.

DATED this 22nd day of February, 2010.

JOHN SUTHERS
COLORADO ATTORNEY GENERAL

By: s/ Jay B. Simonson
JAY B. SIMONSON, Atty. Reg. #24077*
First Assistant Attorney General
Consumer Fraud Unit
Consumer Protection Section
*Counsel of Record

F. KELLY SMITH, ESQ.
THE LAW OFFICES OF F. KELLY SMITH

By: s/ F. Kelly Smith
F. KELLY SMITH, Atty. Reg. #14510
Attorney for Defendants

Pursuant to C.R.C.P. 121, § 1-26(9), the original of this document with original signatures is maintained in the offices of the Colorado Attorney General, 1525 Sherman Street, Denver, CO 80203, and will be made available for inspection by other parties or the Court upon request.

IT IS SO ORDERED:

DATED this _____ day of _____, 2010.

The Honorable Christopher Charles Cross
District Court Judge
Arapahoe County District Court

This document constitutes a ruling of the court and should be treated as such.

Court: CO Arapahoe County District Court 18th JD

Judge: Christopher Charles Cross

**File & Serve
Transaction ID:** 29684210

Current Date: Apr 05, 2010

Case Number: 2009CV2796

Case Name: COLORADO ATTORNEY GENERAL vs. TYMKOVICH, TYRONE E. et al

**Court Authorizer
Comments:**

The Court thanks the parties for bringing this to the Court's attention. A misunderstanding among the court clerks caused this not to be brought to the Court's attention when it was filed.

/s/ **Judge Christopher Charles Cross**